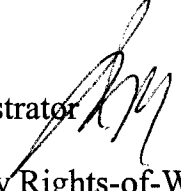


# COUNTY OF YORK

## MEMORANDUM

**DATE:** August 22, 2005 (BOS Mtg. 9/6/05)

**TO:** York County Board of Supervisors

**FROM:** James O. McReynolds, County Administrator 

**SUBJECT:** Removal of Illegal Signs From Highway Rights-of-Way

Section 24.1-702(g) of the Zoning Ordinance prohibits any sign, other than those approved or installed by the Virginia Department of Transportation, from being located within or over a public street/highway right-of-way. This requirement has been a part of the County Zoning regulations for many years and the County staff has acted through informal verbal and written arrangements as VDOT "agents" to enforce the provisions. Sometimes, those enforcement efforts have involved the actual removal of illegal signs by the County's enforcement staff. Given the recent problems with the weekend proliferation of illegal signs on the rights-of-way and the increased attention that effective enforcement will require, both the VDOT Residency Administrator and I believe that it would be advisable to formalize the arrangement allowing the County staff to act as VDOT agents/representatives.

Section 33.1-373 of the Code of Virginia (copy attached) prohibits the unauthorized placement of advertisements (signs) within the limits of any highway right-of-way, makes violations punishable by a civil penalty of \$100, and provides authority for the Commonwealth Transportation Commissioner or his representatives to remove the sign without notice. Section 33.1-375.1-D. of the Code provides authority for the Commissioner to enter into agreements with local governing bodies to act as his agent in enforcing the provisions of Section 33.1-373. In accordance with this authority, staff and the VDOT Residency Administrator have worked to develop the attached proposed agreement for consideration.

The primary advantage of such an agreement, aside from the formal documentation, is that it provides for the following:

- The County would be entitled to reimbursement of its costs of sign removal and enforcement;
- The County may seek civil penalties (up to \$100 per sign), costs of abatement, court costs, attorney fees and any other fines, penalties or costs that may be awarded by a court; the civil penalties collected by the County would be remitted to VDOT for payment into the Highway Maintenance and Operating Fund.

I believe that these potential costs and penalties will provide an effective deterrent to prevent future episodes of corporate sign proliferation like those that have occurred over the past several months. Accordingly, I recommend that the Board adopt proposed

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Resolution No. R05-155 to authorize execution of the proposed agreement.

Carter/3337

Attachments:

- Sections 33.1-373 and 375.1, Code of Virginia
- Draft Agreement
- Proposed Resolution No. R05-155